

### REMARKS

In the aforementioned Office Action, claims 1-29 were examined and rejected. Independent claims 1, 8, 15, 16, 20, and 21 have been amended in order to clarify and further distinguish the claims. Because the limitations of claims 5, 7, 13, and 17 have been incorporated into their respective base claims, these claims have been cancelled. In view of the following remarks, Applicant respectfully requests reconsideration of the Application.

### New Claim

New claim 30 has been added. Support for claim 30 may be found in the Application at [0060] where an example is presented. In the example, a user in a rate tier D reserves all the standard rooms allotted to rate tier D. As such, no more standard rooms are available for rate tier D.

### Rejection Under 35 U.S.C. §101

In paragraphs 3 and 4 of the Office Action, claims 8-14 were rejected for not providing a practical application that produces a useful result. More specifically, the Examiner contends that the claims do not provide the active steps necessary to achieve the purported utility of fulfilling a reservation request.

Applicant believes that allowing the reservation request, as recited in claim 8, is tantamount to fulfilling the reservation request. That is, to allow the reservation request to be processed is essentially fulfilling the reservation request. However, in order to expedite prosecution of the present Application, Applicant has amended independent claim 8 to replace "allowing a reservation" with "fulfilling the reservation request." As such, the rejection of claim 8 is overcome. Additionally, since claims 9-14 depend from claim 8, the rejections of claim 9-14 are now moot.

### Rejection Under 35 U.S.C. §102

In paragraphs 5-23 of the Office Action, the Examiner rejected claims 1-3, 6, 16, and 18-29 as being anticipated by Walker et al (USPN 6,085,169, hereinafter *Walker*). Applicant respectfully traverses.

#### *Walker does not teach the use of maximum inventory allotments*

Embodiments of the present invention are directed to a reservation system that allows for maximum inventory allotments for each tier of users. As described in the Application, a total of the maximum inventory allotments for all tiers for a single inventory category is typically greater than a total inventory available for the single inventory category. For example, and referring to FIG. 7e, a total inventory available is 100 for the standard category. However, maximum inventory allotments for all of the tiers in the standard category total 320 (*see also* [0058]). As such, the maximum inventory allotment is not the same as the total available inventory.

Referring to the cited portions of *Walker*, FIG. 14 illustrates a straight allotment of inventory or a straight distribution system. That is, the total of the seats available in each category along with the seats already booked equals the total capacity (i.e., total inventory). Thus, *Walker* does not teach the use of maximum inventory allotments as claimed and described in claim 1.

In fact, the present Application teaches away from using a straight distribution system. These straight distribution systems do not allow for efficient allotment of inventory, which often results in less than optimal numbers of reservations being allowed (*see* [0006] and [0013]).

#### *Claims 1-3 and 6*

In order to further distinguish this point, claim 1 has been amended to recite “whereby a total of the maximum inventory allotments for all tiers in a single inventory category is greater than a total inventory available for the single inventory category” whereby the reservation request is fulfilled “if a reservation request is for less than or equal to the maximum inventory allotment for the tier associated with a requesting user

and the reservation request is for less than or equal to the total inventory available.” These limitations are incorporated from dependent claims 5 and 7. Further reasoning with respect to these limitations will be provided below with respect to the obviousness rejections of claims 5 and 7.

As such, claim 1 is not anticipated by *Walker*. Claims 2-3 and 6 depend from claim 1 and are not anticipated for at least the same reasons as claim 1.

#### Claims 16 and 18-29

Independents claim 16, 20, and 21 also comprise the limitations whereby a total of the maximum inventory allotments for all tiers in a single inventory category is greater than a total inventory available for the single inventory category, and allowing a reservation to be fulfilled if a reservation request is for less than or equal to the maximum inventory allotment for the tier and the reservation request is for less than or equal to the total inventory available. Therefore independent claims 16, 20, and 21 are not anticipated for at least the same reasons as those of claim 1. Additionally, claims 18-19 depend from claim 16 and claims 22-29 depend from claim 21. For at least the same reasons as their base claims, claims 18-19 and 22-29 are not anticipated by *Walker*.

#### Further Reasoning for Claim 16

With respect to claim 16, the claim recites “assigning each user to one of the plurality of tiers.” The Examiner “interprets selling inventory to be assigning each user to one of the plurality of tiers.” However, the tiers, as described in the present Application, represent grouping of users based on a type. For example, the tiers may represent groupings of travel agents, corporate users, Internet users, and so forth. The tier assigned to a user is determined prior to the selling of any inventory. In fact, some tiers require the user to register and log in before being allowed to make any reservations. Therefore, the selling of inventory, as suggested by the Examiner, does not assign a user to one of the plurality of tiers, as taught by the present Application.

#### Further Reasoning for Claim 25

In paragraph 19, the Examiner interprets “the common desire to travel via plane to be the similar characteristic of the grouping of users.” However, this argument would then provide that all the users will be within a single tier. If this were the case, there is no need to provide a plurality of tiers to which the users may be assigned. Thus, the Examiner’s argument with respect to claim 25 is counterintuitive.

Further Reasoning for Claim 26

In paragraph 20, the Examiner cited column 3, lines 40-42 of *Walker* for support that “the plurality of tiers are travel agent tiers.” Applicant traverses.

Embodiments of the present Application describe the agent tiers as being determined based on size, location, frequency of booking, or any other criteria. For example, agent tier A may represent a grouping of travel agents who booked over \$20,000 in the previous year, while agent tier B may represent a grouping of travel agents who booked between \$10,000 and \$20,000 in the previous year (*see* [0034]).

In contrast, the cited portions of *Walker* merely provide that a customer may contact the CPO management system through a travel agent. There is no discussion of any tiers or any way to differentiate travel agents within a plurality of tiers. Therefore, claim 26 is not anticipated by *Walker* for this additional reason.

Rejection Under 35 U.S.C. §103

Claims 4 and 11-12

In paragraphs 24-34 of the Office Action, the Examiner rejected claims 4 and 11-12 as being unpatentable over *Walker* in view of Schiff et. al (US Publication No. 2003/0004760, hereinafter *Schiff*). Applicant respectfully traverses.

Claim 4 depends from claim 1. *Schiff* does not cure the deficiency of *Walker* with respect to claim 1. Therefore, claim 4 is allowable for at least the same reasons as those of claim 1. Additionally, claims 11 and 12 depend from claim 8, and are therefore

allowable for at least the same reasons as those of claim 8 as will be discussed further below.

Further Reasoning for Claims 4 and 11

Claim 4 recites “a registration engine for verifying registered users and directing the registered user to their assigned tier.” That is, for example, a medium sized travel agency may log into a tier that is designed for medium sized travel agents, while a small travel agency may log into a tier that is designed for small sized travel agents. Claim 11 contains a similar limitation.

The cited portions of *Schiff* merely disclose a login process for authorized users to access the web site. There is no discussion of directing the registered user to their assigned tier, nor is there any teaching of having different tiers in *Schiff*. As such, claims 4 and 11 are not obvious over *Walker* in view of *Schiff*.

Further Reasoning for claim 12

Claim 12 recites “requiring the member to provide a promotion code in order to access the tier.” As discussed in the Application, the promotion code allows the user to access a special promotion. This promotion code may be entered in lieu of a login and password to access, and may direct the user to a limited time, special rate (*see* [0041]).

The cited portion of *Schiff* only discloses the use of a login process via entry of a username and password. As such, *Schiff* does not teach the use of a promotion code.

Claims 5 and 17

In paragraphs 35-41, the Examiner rejected claims 5 and 17 as being unpatentable over *Walker* in view of Jung (USPN 4,775,936, *Jung*). Claims 5 and 17 have been canceled by way of the present Response, the limitation of claims 5 and 17 have been, however, incorporated into their respective base claims. As such, the rejection of claim 5 and 17 is now moot.

However, it should be noted that *Jung* teaches methods that allow for overbooking of inventory. This is contrary to the embodiments of the claimed invention. As recited in the claims, the reservation is only fulfilled if the reservation request is for less than or equal to the total inventory available. Thus, the claims of the

present Application do not allow for overbooking (*see also* [0061] for discussion on preventing overbooking). As such, *Jung* teaches away from the present Application.

In paragraphs 42-54, the Examiner rejected claims 7-10 and 14-15 as being unpatentable over *Walker* in view of Litman et al. (USPN 6,990,457, hereinafter *Litman*). Applicant traverses.

Claim 7

Claim 7 has been canceled and the limitations of claim 7 have been incorporated into independent claim 1. Thus, while the rejection of claim 7 is now moot, reasoning as to the allowability of the limitations found in original claim 7 are provided.

With respect to the limitations of claim 7, the Examiner found that support for allowing a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier and the reservation request is less than or equal to the total inventory available may be found in *Litman*. However, the cited portions of *Litman* merely disclose an inventory database that stores a number of rooms available (i.e., total inventory available). Based on a hotel availability request, a list of hotels that meet parameters of the request (including availability) are returned. In fact, *Litman* teaches a pure, straight allotment system, which teaches away from embodiments of the present invention.

The system of *Litman* teaches nothing more than a simple search engine that finds available inventory. While *Litman* may provide determining if a request is less than or equal to the total inventory, there is no teaching or suggestion for allowing a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier. In fact, there is no teaching whatsoever of tiers or maximum inventory allotments as claimed and described in the present Application.

As such, the limitation of allowing a reservation for a particular inventory category if a reservation request is for less than or equal to the maximum inventory allotment for the tier and the reservation request is for less than or equal to the total

inventory available is not taught or suggested by *Litman* or any of the other cited references. Therefore, the independent claims amended to incorporate this limitation are allowable over the cited references.

#### Claims 8-10 and 14-15

With respect to independent claims 8 and 15, these claims now incorporate limitations whereby a total of the maximum inventory allotments for all tiers in a single inventory category is greater than a total inventory available for the single inventory category, and fulfilling the reservation request for the particular inventory category if the reservation request is for less than or equal to the maximum inventory allotment for the tier and the reservation request is for less than or equal to the total inventory available. Because independent claims 8 and 15 incorporate similar limitations as those of claim 1, claims 8 and 15 are allowable for at the same reasons as those of claim 1.

Claims 9, 10, and 14 depend from claim 8. Therefore, these claims are allowable for at least the same reasons as those of claim 8.

#### Claim 13

In paragraphs 55-58, the Examiner rejected claim 13 as being unpatentable over *Walker* in view of *Litman* and further in view of *Jung*. Applicant traverses.

As discussed above with respect to claim 5 and 7, the cited references do not teach or suggest having a total of the maximum inventory allotment for all tiers in a single inventory category that is greater than the total inventory available whereby a reservation request is only allowed if the reservation request is for less than or equal to the maximum inventory allotment for the tier and the reservation request is for less than or equal to the total inventory available. While claim 13 has been canceled, the limitations of claim 13 have been incorporated into claim 8. As such, claim 8 is allowable over the cited references.

*The Cited References Do Not Teach the Use of Maximum Inventory Allotments in Combination with Total Inventory Available*

In summary, there is no motivation to combine the cited references to obtain all of the limitations of the present claims nor does any single reference anticipate the claims of the present Application. All of the references, with the possible exception of *Jung*, teach a straight allotment system, whereby a total of the allotments equals the total inventory available. The straight allotment system teaches away from the maximum allotment system of the present Application. The exemplary maximum allotment system allots inventory to different tiers for the same inventory category such that the total of the allotments is greater than the total inventory available. FIG. 7e provides one example of how the maximum allotment system may operate.

*Jung* teaches an overbooking system which allows for overbooking of inventory. However, the present Application is directed to a maximum allotment system which does not allow for overbooking as provided by the limitation that the reservation request is fulfilled or allowed to be fulfilled if the reservation request is for less than or equal to the total inventory available (*see also* [0061] for discussion on preventing overbooking). As such, *Jung* also teaches away from the present Application.

Furthermore, since *Walker*, *Litman*, and *Schiff* teach a straight allotment system which prevents overbooking and *Jung* teaches an overbooking system, there is no motivation to combine these references as they teach away from each other.




### CONCLUSION

Based on the above remarks, Applicant believes that the rejections in the Office Action of January 25, 2007 are fully overcome, and that the application is in condition for allowance. If the Examiner has questions regarding the case, the Examiner is invited to contact Applicant's undersigned representative at the number given below.

Respectfully submitted,

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